

**UNITED STATES DISTRICT COURT**  
**Northern District of California**

SETH ROSENFIELD,  
Plaintiff

No. C 11-2131 MEJ

V.

FEDERAL BUREAU OF INVESTIGATION  
AND UNITED STATES DEPARTMENT OF  
JUSTICE.

**ORDER RE CROSS MOTIONS  
FOR SUMMARY JUDGMENT  
(DKT. NOS. 14 AND 20)**

## Defendants.

The Court has conducted an in camera review of the classified declarations submitted by Defendant. The Court finds that Defendant cannot rely on the exemption outlined in 5 U.S.C. § 552(c)(2) for this matter.<sup>1</sup> Pursuant to this finding, Defendant is ordered to supplement its production to Plaintiff. Considering that this supplementation will likely affect the issues that were raised by the parties' cross motions for summary judgment, these motions are VACATED. The parties are ordered to meet and confer and submit a joint case management statement by July 13, 2012 that proposes how the remaining issues in this matter should be resolved. The parties' joint statement should specifically propose deadlines for any supplemental production of documents, a schedule for dispositive motions if they are necessary, the prospects of settlement or engaging in further ADR to narrow the issues in dispute, and any other matters that may facilitate the just, speedy, and inexpensive disposition of this matter.

## **IT IS SO ORDERED.**

Dated: July 2, 2012

Maria-Elena James  
Chief United States Magistrate Judge

<sup>1</sup> Because of the sensitive nature of the in camera review, this order does not provide the Court's reasoning behind its decision. The Court, however, will consider a request from Defendant to issue an order that explains its rationale, as well as an order certifying this issue for interlocutory appeal pursuant to 28 U.S.C. § 1292(b). If Defendant wishes to make any of these requests, it should notify the Court in writing by July 6, 2012, and the Court will then determine whether any of the requests are warranted.